

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**JEFFREY WAYNE THOMPSON,
APPELLANT**

DOCKET NUMBER WD71009

DATE: JUNE 29, 2010

Appeal from:

The Circuit Court of Buchanan County, Missouri
The Honorable Weldon C. Judah, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.

Attorneys:

Daniel N. McPherson, for Respondent

Craig A. Johnston, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

JEFFREY WAYNE THOMPSON, APPELLANT

WD71009

Buchanan County, Missouri

Before Division Two Judges: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.

After Kenneth and Sarah Siemens paid Jeffrey Thompson \$2,800 to install granite countertops in their new home, and Mr. Thompson failed to perform the work, the State charged Mr. Thompson in Buchanan County with stealing by deceit. Prior to trial, Mr. Thompson filed a motion to dismiss due to improper venue. The trial court denied the motion. The jury convicted Mr. Thompson of stealing by deceit, and the trial court sentenced him, as a prior and persistent offender, to ten years of imprisonment. Mr. Thompson appeals.

AFFIRMED.

Division Two holds:

(1) There was sufficient evidence to support Mr. Thompson's conviction for stealing by deceit where the evidence showed that Mr. Thompson: made a bid for the job and took money from the Siemenses but did not buy material or perform the job; signed a document showing that the granite had been paid for but did not purchase the granite that day; told the Siemenses' general contractor several times that he would do the job but never arrived to complete the work; never initiated contact or returned the general contractor's phone calls; did not provide an updated contact number when his current phone number went out of service; permanently moved to Florida without informing the Siemenses; offered to repay the Siemenses but never did so; and borrowed money from a relative for the purpose of repaying the Siemenses but did not use the money to repay them.

(2) Where the Siemenses were in Buchanan County when they received Mr. Thompson's bid and were thereby induced to part with their money, an element of the crime of stealing occurred in Buchanan County, and the trial court did not err in overruling Mr. Thompson's motion to dismiss due to improper venue.

Opinion by: Victor C. Howard, Judge

Date: June 29, 2010

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